

**LLC IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

RBH ENERGY, LLC,	§	Case No.: _____
	§	
Plaintiff,	§	
	§	
v.	§	JURY TRIAL DEMANDED
	§	
FT. WORTH WEEKLY MANAGEMENT	§	
LLC and FT. WORTH WEEKLY LP,	§	
	§	
Defendants.	§	

**ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT**

Plaintiff RBH Energy, LLC (“RBH”), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendants Fort Worth Weekly Management, LLC and Ft. Worth Weekly LP (collectively, “Defendants”) and requests relief from this Court based on the following:

**THE PARTIES**

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 112 N. Bailey Ave. #B, Fort Worth, TX 76107.

2. Defendant Ft. Worth Weekly Management, LLC is a Texas limited liability company with its principal place of business located at 3311 Hamilton Ave., Ft. Worth, TX 76107. It may be served through its registered agent, Lee Newquist, who is also located at 3311 Hamilton Ave., Ft. Worth, TX 76107.

3. Defendant Ft. Worth Weekly LP is a Texas limited partnership with its principal place of business located at 3311 Hamilton Ave., Ft. Worth, TX 76107. It may be served through its registered agent, Lee Newquist, who is also located at 3311 Hamilton Ave., Ft. Worth, TX 76107.

### **JURISDICTION AND VENUE**

4. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq.*

5. This Court has jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

### **BACKGROUND**

7. RBH realleges paragraphs 1 through 6 as if fully set forth herein.

8. RBH is the owner of U.S. Copyright No. VAu 1-010-280 ("Copyright") titled Brian Harness Photography Collection: Urban Landscapes of Fort Worth 2009. A true and correct copy of the copyright is attached hereto as Exhibit A.

9. The named artist of the Copyright is Brian Harness ("Harness"). *See id.*

10. On October 23, 2015, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 6.

11. Harness, a professional photographer, is the sole member of RBH.

12. A copy of this photograph, which was filed as part of the Copyright, is depicted below:



13. Defendants, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its websites:

<http://www.fwweekly.com/tag/777-main-parking-garage/>

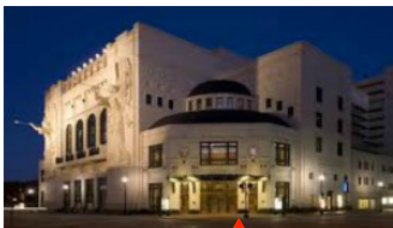
<http://www.fwweekly.com/2014/10/11/bass-hall-resident-arts-groups-fight-to-keep-free-parking/>

<http://www.fwweekly.com/blotch/>

14. A true and correct copy of the screenshot of one of these web pages is attached hereto as Exhibit C.

777 Main Parking Garage – Fort Worth Weekly

12/2/14, 7:09 PM



### **Bass Hall Resident Arts Groups Fight To Keep Free Parking – Updated**

*Edward Brown*

Bass Performance Hall's resident arts groups — the Van Cliburn Foundation, Texas Ballet Theater, Fort Worth Opera, and Fort Worth Symphony Orchestra — are sounding the alarm after being notified that they may soon lose ac...

15. The photograph, noted above, remained on Defendants' website until sometime after December 2014.

16. Because Defendants had no permission to use the protected photograph, Defendants are liable for direct copyright infringement.

### **COUNT 1 – COPYRIGHT INFRINGEMENT**

17. RBH realleges paragraphs 1 through 16 as if set fully herein.

18. RBH alleges Defendants are liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

19. RBH has been damaged by Defendants' actions.

**DEMAND FOR JURY TRIAL**

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

- a. Defendants be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
- b. Defendants be held jointly and severally liable for infringement of RBH's copyrighted works;
- c. Defendants be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
- d. Defendants pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
- e. Defendants pay pre-judgment and post-judgment interest on any damages awarded; and
- f. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: September 27, 2016

Respectfully submitted,



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**ATTORNEYS FOR PLAINTIFF  
RBH ENERGY, LLC**